

SMB

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JUL 14 AM 10:44

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jesus Hilario ORTEGA Jr.,

Defendant.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Case No.

NY

DEPUTY

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section

1324(a)(2)(B)(iii)-

Bringing in Illegal Alien(s)

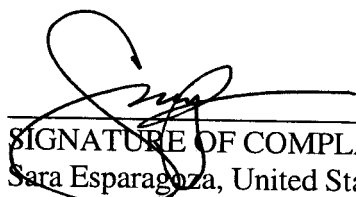
Without Presentation

08 MJ 2142

The undersigned complainant being duly sworn states:

On or about **July 10, 2008**, within the Southern District of California, defendant **Jesus Hilario ORTEGA Jr.**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Raul Timoteo RAMIREZ-Perez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14<sup>th</sup> DAY OF  
**July, 2008.**

  
UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO  
U.S. MAGISTRATE JUDGE**

I, United States Customs and Border Protection (CBP) Enforcement Officer Heather Ramos, declare under penalty of perjury the following to be true and correct:

The complainant states that **Raul Timoteo RAMIREZ-Perez**, is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

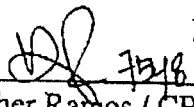
On July 10, 2008, at approximately 2340 hours, **Jesus Hilario ORTEGA Jr. (Defendant)** applied for admission into the United States at the San Ysidro, California Port of Entry as the sole visible occupant of a 1995 Honda Civic. During initial inspection a Customs and Border Protection (CBP) Officer questioned the Defendant as to where he was going and what he had to declare. The Defendant stated he was going to San Diego and had nothing to declare. The CBP Officer conducted an inspection of the vehicle and noticed a space discrepancy in the trunk area, upon lifting the carpet area in the trunk a person was discovered attempting to elude inspection.

In secondary, CBP Officers discovered one adult male concealed in a non-factory compartment located behind the rear seat and trunk area of the vehicle. The concealed adult male was unable to extract himself from the vehicle. Several CBP officers attempted to remove a piece of plywood that was attached to the back of the compartment. After the plywood was broken a metal frame attached to the vehicle's compartment area blocked the subjects exit. A cylinder lock was then located on the roof area of the trunk. The lock was released and the rear seat flung open allowing the adult male to exit the compartment. The adult male was later determined to be a citizen of Mexico without entitlements to enter, pass through, or reside the United States. The adult male is now identified as: **Raul Timoteo RAMIREZ-Perez (Material Witness)**.

During a videotape proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted to being the driver of the vehicle and admitted to having knowledge of the concealed individual. Defendant stated he was approached by a friend who offered him a smuggling job. Defendant stated he agreed to smuggle a person into the United States in exchange for \$300.00 USD. Defendant stated that he was to deliver the vehicle to a location in Chula Vista, California where someone would meet him and take custody of the vehicle and concealed person.

On a videotaped interview, Material Witness admitted he is a citizen of Mexico without legal rights to enter the United States. Material Witness stated he was going to pay approximately \$3000.00 USD to be smuggled into the United States. Material Witness stated he was en route Las Vegas, Nevada to seek employment and be with his friends.

EXECUTED ON THIS 11<sup>th</sup> DAY OF July 2008 AT 1400 HOURS.

  
Heather Ramos / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of 1 page, I find probable cause to believe that the defendant named therein committed the offense on July 10, 2008 in violation of Title 8, United States Code, Section 1324.

  
MAGISTRATE JUDGE

7/12/08 @ 9:39 AM  
DATE / TIME

**CATHY ANN BENCIVENGO**  
**U.S. MAGISTRATE JUDGE**